

Respondent:

TruGreen
1350 First State Boulevard
Wilmington, DE 19804

Violation:

§1224(a)(1) Making a pesticide recommendation or use or application inconsistent with the labeling, the E.P.A., or state registration for the pesticide, or in the violation of the E.P.A. or state restrictions of the use of that pesticide.

§1224(c)(1) Operating in a faulty, careless, or negligent manner.

Penalty:

Respondent signed a consent agreement November 2, 2012. In the agreement, Respondent agree to the imposition of disciplinary sanctions which included a Notice of Warning for violating §1224(c)(1), and a civil penalty of \$2,225.00 for violating §1224(a)(1).

Summary:

On March 22, 2012, the Department conducted a routine use observation with Respondent's applicator. During the inspection, the applicator used two pesticide products (Barricade 4FL Herbicide EPA Reg. No. 100-1139 and Escalade 2 EPA Reg. No. 228-442) as part of a lawn service. Escalade 2's label states in part: "All mixers, loaders, applicators and other handlers must wear protective eyewear (face shield, goggles, or safety glasses) and chemical resistant gloves." The applicator failed to wear protective eyewear and chemical resistant gloves while applying Escalade 2.

On April 24, 2012, the Department responded to a complaint concerning yellow granules spread on the roadway. The Department was notified that Respondent had treated the common area of housing development and that the applicator had spread granular material out into the roadway and near and on storm drains. The Department's investigators visited the site and collected a sample of the granular material. Respondent was contacted and was ordered to clean the roadway of the granules, which he completed on the with a leave blower. The sample analysis indicated that the yellow granular material contained the herbicide prodiamine which was used by Respondent to treat the grass in the common area as a pre-emergent crabgrass preventer.